

The Examiner has provided detailed argument with respect to the rejection of claim 19. Nonetheless, it is not at all seen how the Carpentier reference can be used as a primary reference to reject the claims. By way of example, claim 19 is an apparatus

*“configured to receive files and updates thereto through a communication network, with the files assembled in a file directory structure, the **apparatus being responsive to control operation of a device** according to one or more of the files [Emphasis Added]...”*

The rejection (see page 2 of the office action) alleges that Carpentier

“teaches an apparatus being responsive to control operation of a device according to one or more of the files (Page 19 line 32 – Page 20 line 3: Automatic behavior may be added to a descriptor file that performs certain actions when a descriptor file is used to retrieve files e.g. automatically send electronic mail or publish on web sites (control operation of a device, ...”

Applicants cannot understand how the Examiner infers these features from the reference. Even if there were a sending of email or provision of text on a web site, such has no relation to “operation of a device according to one or more of the files” received by the apparatus. The citation at pages 19 and 20 provides no support for finding the above-quoted subject matter.

As a second example, claim 19 requires

“said file directory structure enabling the apparatus to operate as a web server, thereby enabling remote access to control or change operation of the device.”

In this regard the rejection again cites pages 19 and 20 of the Carpentier reference but, at best, this has a marginal relation to the claimed subject matter. Page 4 of the office action suggests (incorrectly) that this text relates to a

“file directory structure enabling the apparatus to operate as a web server (Carpentier teaches the descriptor file (second file) contains the directory structure can [sic] perform certain actions e.g. publication on web sites ...”

Applicants now inquire of the Examiner, what **apparatus** and what **device** is the Examiner reading the claim on? Notwithstanding the possibility that the reference might

disclose performing publication on websites, this is not the claimed invention. Rather, the apparatus of claim 19 relates to remote access that enables “control or change [in the] **operation of the device** [Emphasis Added].” The Carpentier reference is devoid of this subject matter.

The secondary reference (Lenz) is also deficient. The final office action acknowledges that a feature of the invention is the receipt of “files and updates thereto through a communication network.” See page 4 of the office action. However, the rejection does no more than attempt to find an example in which configuration files are received through a communication network and assembled in a file directory on a server. This, taken out of context of the Lenz reference, has no relation to the inventive concept in which operation of an apparatus as a web server is enabled

“through a communication network, ... the apparatus being responsive to control operation of a device according to one or more of the files [See again claim 19.] ...”

For all of these reasons, it must be concluded that the Examiner’s combination is no more than a piece meal attempt that does not even reconstruct the claimed subject matter. Neither of the references teaches or suggests the combination. Mere presence of elements or functions does not by itself motivate one to assemble the claimed combination.

Each of the dependent claims further distinguishes over the prior art. Applicant defers review of these features in view of the above-explained distinctions which clearly render the combination deficient. There is no combination of the prior art which meets the terms of the claimed subject matter.

The claims are clearly allowable over the prior art because they are directed to an “apparatus configured to receive files and updates thereto through a communication network, ... the apparatus being responsive to control operation of a device according to one or more of the files ...” This subject matter is clearly different from anything disclosed or suggested by the art of record. Such features are totally absent from the cited art and no *prima facie* case for obviousness has been established.

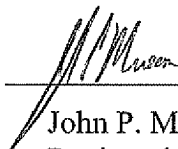
Conclusion

All of the claims are believed to be allowable over the cited art and the application is in condition for allowance. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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